

**From:** [Halasz, Stephen](#)  
**To:** [Mueller, Brian](#); [Jonathan Carroll](#)  
**Cc:** [Werner, Robert](#); [Moran, Gloria](#); [McShane, Paul](#)  
**Subject:** RE: TRRP Documents FW: Groundwater Classification for Dock Area at Falcon Refinery Site  
**Date:** Monday, July 14, 2014 12:44:56 PM

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Brian,

I'm confused by your email conversations with Phillip Winsor of the TCEQ concerning establishing institutional controls. TRC submitted a comprehensive risk assessment report for the Barge Dock area, which noted that there was no risk. Why would there be a need for groundwater classification or for institutional controls?

We would be glad to resubmit our report which concluded:

## 7.0 CONCLUSIONS AND RECOMMENDATIONS

The Falcon Refinery Superfund Site in Ingleside, Texas has been divided into seven AOCs. With the exception of the barge dock facility (AOC-4) each of the remaining AOCs have either

had releases of hydrocarbons or hydrocarbons have migrated onto the AOC.

The sole reason for including the barge dock facility into the superfund site is ownership of the property. The barge dock facility is located approximately one mile from any portion of the former refinery.

The barge dock facility, is currently used to load barges with crude oil for transport to refineries along the Gulf of Mexico, had significant value especially with the need to get crude oil from Texas fields to market.

There have been no reported releases nor is there evidence of spills associated with the AOC.

Since the barge dock facility is located on the intercoastal waterway, which is on the Gulf of Mexico, groundwater beneath the site is saline and not fit for consumption.

Soil and groundwater sampling performed during 2007 at the AOC for VOCs, SVOCs, metals, PCBs and pesticides and herbicides indicated no risk to human health or ecological parameters.

This SRE evaluated the potential for adverse human health and ecological effects that may result from exposure to the chemicals analyzed in soil and groundwater at the Site. The SRE evaluated noncancer health effects and theoretical cancer risks for residential and commercial/industrial receptors using default human health risk-based SSLs from USEPA and TCEQ. The HIs are below the significance threshold for both receptors. The residential cancer risk is within USEPA's cancer risk range for EPCs evaluated using USEPA's cancer-based RSLs (USEPA, 2013b) and lowest cancer-based screening level (USEPA RSL or TCEQ PCL), and below the cancer risk range for EPCs evaluated using TCEQ cancer-based PCLs (TCEQ, 2012). The commercial/industrial cancer risk is at and below the *de minimis* level. Mercury and zinc are the only two COPCs in soil that exceed ecological benchmarks.

Mercury and zinc are not COPCs associated with activities at the barge dock facility and likely metals naturally occurring in native soil at the site.

The uncertainties in this SRE generally result in an overestimation to the exposure and risk. It is believed that results presented in this document are based on conservative estimates



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By obtaining a notice of no further action at the barge dock facility Lazarus will be able to obtain a "bridge loan" until additional permanent funding can be secured. Lazarus has indicated that the bridge loan will lead to employment expansion, allow further finance development of the site including additional remedial actions and upgrades to the site.

TRC recommends that the EPA provide a notice of no further action for the barge dock property as shown on Figure 4 and described in Appendix A.

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**From:** Mueller, Brian [mailto:Mueller.Brian@epa.gov]  
**Sent:** Monday, July 14, 2014 12:32 PM  
**To:** Jonathan Carroll  
**Cc:** Halasz, Stephen; Werner, Robert; Moran, Gloria  
**Subject:** FW: TRRP Documents FW: Groundwater Classification for Dock Area at Falcon Refinery Site

Good afternoon Mr. Carroll

Attached are links to the TCEQ process for establishing institutional controls.

Thanks

Brian W Mueller RPM  
EPA R6 Superfund  
214 665-7167

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**From:** Phillip Winsor [mailto:phillip.winsor@tceq.texas.gov]  
**Sent:** Wednesday, June 25, 2014 3:50 PM  
**To:** Mueller, Brian  
**Cc:** Sanchez, Carlos  
**Subject:** TRRP Documents FW: Groundwater Classification for Dock Area at Falcon Refinery Site

Brian,  
The link below is for Institutional Controls;

[http://www.tceq.texas.gov/publications/rg/rg-366\\_trrp\\_16.html](http://www.tceq.texas.gov/publications/rg/rg-366_trrp_16.html)

The next links address PMZs;

[http://www.tceq.texas.gov/publications/rg/rg-366\\_trrp\\_28.html](http://www.tceq.texas.gov/publications/rg/rg-366_trrp_28.html)

[http://www.tceq.texas.gov/publications/rg/rg-366\\_trrp\\_29.html](http://www.tceq.texas.gov/publications/rg/rg-366_trrp_29.html)

Using MNA;  
[http://www.tceq.texas.gov/publications/rg/rg-366\\_trrp\\_33.html](http://www.tceq.texas.gov/publications/rg/rg-366_trrp_33.html)

The use of PMZs to manage a contaminant plume exceeding PLCs is not uncommon. This should be good vacation reading..... I've cc'd Carlos as you requested. I hope you have a great time off, take

care.

Sincerely;

Phillip Winsor, PE  
Project Manager  
Superfund Section  
Remediation Division  
Texas Commission on Environmental Quality  
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**From:** Phillip Winsor  
**Sent:** Wednesday, June 25, 2014 2:29 PM  
**To:** 'Mueller, Brian'  
**Subject:** RE: Groundwater Classification for Dock Area at Falcon Refinery Site

Brian,

As we've discussed, to obtain a groundwater classification other than Class 1 (default) there is certain hydro-geological data that must be provided. The TRRP guidance document for Groundwater Classification is included below. Will any historic data along with the data you've recently collected, that info. is available. Hopefully the quality of the groundwater at the barge dock facility is very saline w/high TDS greater than 10,000 mg/L, and/or has a hydraulic conductivity of 1x10<sup>-5</sup> cm/sec or less.

[http://www.tceq.texas.gov/publications/rg/rg-366\\_trrp\\_08.html](http://www.tceq.texas.gov/publications/rg/rg-366_trrp_08.html)

I've cut and pasted a paragraph from the guidance:

"The results of the groundwater resource classification for all affected GWBUs and threatened hydraulically-interconnected GWBUs shall be submitted for TCEQ review in Section 2.5 of the Affected Property Assessment Report (APAR). The report should provide sufficient explanation and documentation to demonstrate proper classification of the groundwater resource and support TCEQ review. The responsibility is on the person to methodically present a convincing justification that the groundwater is Class 2 or Class 3."

I don't have a copy of an APAR application (Sec. 2.5), but should be easy to find. Hope this helps, talk with you soon.

Phillip Winsor, PE  
Project Manager  
Superfund Section

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**From:** Mueller, Brian [<mailto:Mueller.Brian@epa.gov>]  
**Sent:** Wednesday, June 25, 2014 1:24 PM  
**To:** Phillip Winsor  
**Subject:** Groundwater Classification for Dock Area at Falcon Refinery Site

Good afternoon Phil

We talked about the groundwater classification at the Falcon Site a couple of weeks ago and I would like to follow up on our conversation. EPA would like to request TCEQ's determination of the classification of the shallow aquifer (2-5 feet below the surface) in the direct vicinity of the barge dock.

Thanks

Brian W Mueller RPM  
EPA R6 Superfund  
214 665-7167